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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,502	03/29/2001	Guangdian Guordon Wu	068508.0102	5217
23640	7590	05/18/2006	EXAMINER COLBERT, ELLA	
BAKER BOTTS, LLP 910 LOUISIANA HOUSTON, TX 77002-4995			ART UNIT 3624	PAPER NUMBER

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/821,502

**Applicant(s)**

WU, GUANGDIAN GUORDON

**Examiner**

Ella Colbert

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 45-48 and 54-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 45-48 and 54-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 45-48 and 55-58 are pending in this communication filed 02/21/06 entered as Response After Non-final action and Request for Extension of Time.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 45- 48 and 55-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,025,375) Hall et al, hereafter Hall in view of (US 6,055,513) Katz et al, hereafter Katz

Claims 45, 47, and 55. Hall teaches, A method of executing a financial transaction on a computer system between a user and a third party, said computer system having a personal base instance for said user, a personal base server for said personal base instance, a personal base provider for said third party, and a financial institution, said method comprising the steps of: (a) placing a request post onto said personal base instance by said user (col. 7, lines 6-67); (b) broadcasting said request post to at least one personal base process provider by said personal base server (col. 8, lines 1-16); (c) posting supply responses to said personal base server by said at least one personal base process provider (col. 8, lines 31-42);(d) comparing said responses to said request (col. 9, lines 5-32); (e) determining if a match was found between said

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responses and said request (col. 9, line 34-col. 10, line 5); and (f) if a match was found in said step (e), then prompting said user to confirm a transaction (col. 9, line 34-col. 10, line 5). Hall failed to teach, (g) if said user confirms said transaction, then sending data about said transaction to said financial institution; (h) determining by said financial institution if said transaction is executable; and (i) if said transaction is executable, then executing said transaction. Katz teaches, (g) if said user confirms said transaction, then sending data about said transaction to said financial institution (col. 18, line 40-col. 19, line 15); (h) determining by said financial institution if said transaction is executable (col. 18, line 49-col. 19, line 15); and (i) if said transaction is executable, then executing said transaction (col. 19, lines 24-58). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have said user confirm said transaction, then sending data about said transaction to said financial institution; (h) determining by said financial institution if said transaction is executable; and (i) if said transaction is executable, then executing said transaction and to modify in Hall because such a modification would allow Hall to confirm the information that is on the application regarding the transaction then sending it to a financial institution for verification.

Claims 46, 48, and 56. Hall failed to teach, wherein if said transaction is not executable, then sending a disapproval message to said user. Katz teaches, wherein if said transaction is not executable, then sending a disapproval message to said user (col. 21, lines 33-54). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the transaction is not executable, then sending a disapproval message to said user and to modify in Hall because such a

modification would allow Hall to allow the user to know if the transaction has not been approved by sending the user a message.

Claim 57. Hall teaches, wherein said at least one base service provider is a personal base service provider (col. 3, line 35-col. 4, line 40).

Claim 58. Hall teaches, at least one base service provider is a company base service provider (col. 2, lines 12-35 and lines 49-61).

### ***Response to Arguments***

4. Applicant's arguments filed 02/21/06 have been fully considered but they are not persuasive.

Issue no. 1: Applicant argues: Applicant respectfully disagrees that Hall and Katz alone or in combination, do not disclose each element of the independent claims 45, 47, and 55 has been considered but is not persuasive. Response: The Examiner respectfully submits the posting of supply responses to a personal base server by at least one personal base process provider is unclear from the Specification, claim language, and drawings. It is not understood what is meant by Applicant's "posting of supply responses", "a base server", "a personal base provider", "personal base", "object base", and "a request posting". The Applicant can be his or her own lexicographer, however the office must be able to understand what the Applicant is trying to claim as his invention. Does Applicant mean a software agent or a piece of software? The Specification lacks clarity for these claim limitations and the drawings do not provide any clearer understanding of the invention. The Examiner interpreted the "personal

base" as a "database". The Examiner respectfully requests these limitations be clarified in the claim language and to the Examiner.

Issue no. 2: Applicant argues: There is not indication that in claim 45 Katz's credit card company is determining "if said user confirms said transaction" and to the extent that the Office Action is implying that this portion of the element is inherent, Applicant disagrees and requests documentary evidence of such inherency has been considered but is not persuasive. Response: The rejection recites "Katz teaches (g) if user confirms said transaction, then sending data about the transaction to said financial institution in col. 18, line 40-col. 19, line 15. Inherency was not in the rejection of this claim limitation. None of the claim rejections state that an element is inherent. Therefore, this argument is considered moot.

Issue no. 3: Applicant argues: Hall and Katz alone or in combination do not disclose each element of the independent claims has been considered but is not persuasive. Response: Hall and Katz are interpreted to teach the claim limitations according to the best that the Examiner can determine considering the lack of clarity in the Specification, drawings, and claims.

Conclusion: The Applicant is respectfully requested to point out to the Examiner in the independent claim(s) the inventive concept of the invention.

The Examiner is entitled to give limitations their broadest reasonable interpretation in light of the Specification (see below):

2111 Claim Interpretation; Broadest Reasonable Interpretation [R-1]

>CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE INTERPRETATION

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*During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).<*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

#### **Inquiries**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Tuesday-Thursday, 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 13, 2006

  
ELLA COLBERT  
PRIMARY EXAMINER